

REMARKS

Applicants request reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 1-46 are pending in the present application. Claims 1, 10, 19, and 33 are the independent claims.

Claims 1-3 and 32 have been amended. Applicants respectfully submit that the amendments to claims 1-3 and 32 relate solely to matters of form and not patentability. No new matter has been added.

Initially, Applicants acknowledge with appreciation the indication that claims 2-9, 11-18, 29, 31, 43, 45 recite patentable subject matter and would be allowable if rewritten in independent form to include all of the features of their respective base claims and any intervening claims. Applicants have respectfully maintained these claims in dependent form because it is believed, for at least the reasons set forth herein, that their respective base claims patentably define over the citations of record.

Claims 1, 10, 19-28, and 33-42 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,262,817 (Sato et al.) This rejection is respectfully traversed.

Sato et al. discloses a system and method for adjusting a color image, in which a user is a necessary and integral part of adjusting the image. (Sato et al., FIGS. 3 and 9, col. 8, lines 15-33, and col. 11, lines 34-47). For example, as shown in FIG. 3 (S537 and S538) and FIG. 9 (S30), if there is no input from the user, there is no adjustment of the color image. In other words, the user determines the chroma deflection, the hue deflection, and the luminance deflection.

The Office Action concedes that "Sato fails to teach that a chroma deflection, a hue deflection, and a luminance deflection are calculated." (Office Action, page 3). This is because in Sato et al., such deflections are purposefully input by a user. Nonetheless, the Office Action contends that calculation of such deflections is obvious given the disclosure of Sato et al. (Office Action, pages 3 and 4). This latter contention is respectfully traversed.

The Office Action asserts that calculation of the chroma, hue, and luminance deflections is obvious stating: "[h]owever, it is noted that since in Sato the color image is adjusted or deflected based on the calculation of the produced matrix (see col. 16, lines 20-40), it is imperative (*sic*) and obvious that each of a chroma, hue and luminance of the color be also

(sic) calculated, 40 matrix setup (sic) is based entirely on the hue, chroma, and luminance parameters for the color." (Office Action, page 3).

But Sato et al. expressly teaches that "[t]he color adjusting unit 2 produces the set up matrix by adding the adjustment direction of the luminance, chroma, the hue, directed by the image display unit 5, for the original matrix." (Sato et al., col. 10, lines 32-35). Sato et al. also teaches that "[a] mouse pointer 503 (called 503 collectively, 503a, 503b, 503c, 503d separately) indicates the adjustment information to the color adjusting unit 2," and "[i]n the case of the mouse pointer 503 being moved, adjustment information based on the movement amount of the mouse pointer 503 is sent to the color adjusting unit 2 and information on the adjusted image 52 is received from the color adjusting unit 2, at step S534," and further, "[w]hen these mouse pointers are moved, information of the maximum luminance and the minimum luminance is sent to the color adjusting unit 2. A matrix is set up based on the information at the color adjusting unit 2." (Sato et al., col. 8, lines 11-13 and 20-25, and col. 12, lines 1-5). Thus, the adjustment direction, which is input by the user, is a necessary component for creation of the set up matrix.

The Office Action also states that: "[i]n addition, Sato at col. 10, lines 23-35, clearly suggests that parameters determination for each of a hue, chroma, and luminance for the color our requirements by adjustment units 2 for producing a setup matrix by adding adjustment direction of the luminance, chroma, the hue, directed by the image display unit, for the original matrix." (Office Action, page 3).

However, this is not accurate. As noted above, this portion of Sato et al. teaches that the adjustment direction for the creation of the setup matrix is provided by the user via input via the image display unit. In other words the direction by the image display unit is the user input.

For at least these reasons, it is not reasonable to conclude that it would have been obvious to one of ordinary skill in the art to modify Sato et al. in the manner asserted by the Office Action, without Applicants' disclosure as guidance. Such guidance is impermissible hindsight.

Accordingly, favorable reconsideration and withdrawal of the rejection of Claims 1, 10, 19-28, and 33-42 under 35 U.S.C. § 103 are respectfully requested.

In view of the foregoing, Applicants respectfully submit that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and

further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Applicants believe that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.

There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 11-3-06

By: Michael E. Kondoudis
Michael E. Kondoudis
Registration No. 42,758

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501